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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,490	07/26/2001	Donald France	2051/00002	6270
7590	04/21/2006		EXAMINER	
Morris Liss Connolly Bove Lodge & Hutz LLP P.O. Box 19088 Washington, DC 20036-0088			HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 04/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/912,490	FRANCE ET AL.
	Examiner Thu Thao Havan	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 February 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_\_.  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)  
Paper No(s)/Mail Date. \_\_\_\_\_ 6) Other: \_\_\_\_\_.

**Detailed Action**

***Response to Amendment***

Claims 1-18 are pending. This action is in response to the remarks received February 22, 2006.

***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (US 6,277,026) in view of Stoltz et al. (US 2003/0009375).

Re claims 1 and 7, Archer teaches a method for selectively entering lottery entries into a state lottery drawing, administered by a state lottery agency, via an internet web site (col. 1, lines 36-67; col. 4, lines 5-22; figs. 1-2), the method comprising the steps of:

receiving user access at the home page of the web site (fig. 4a; col. 4, line 64 to col. 5, 15; Archer discloses a user will point his browser software to a LSP managed web site to

purchase a lottery ticket online. Thereafter, the user will select a page or option indicating his desire to purchase a lottery ticket online. His system has a web site to purchase a lottery ticket thus the web site has to have a home page for a user to purchase the ticket.);

querying users for their sign-in identification to establish whether they are pre-registered user members or non-members (col. 2, line 31 to col. 3, line 20; Archer querying the members/non-members by determining if the request code matches the secure lottery ticket purchase code. This is a form of sign-in identification.);

presenting pre-registered user members with a choice of member functions and content (col. 10, lines 8-34; col. 8, lines 40-60; Archer discloses to members choices in payment methods or purchasing of more lottery tickets);

presenting non-members with a choice of different functions and content (col. 7, lines 54-67; Archer discloses non-members with a choice of entering their personal information to entering into the lottery system);

communicating selected information to the state lottery agency (col. 4, lines 23-47; Archer discloses lottery information is communicated to state-run lottery commission or authority).

However, Archer does not explicitly teach a subscription service. On the other hand, Stoltz teaches a subscription service (para.0001, 0004-0007, 0023, and 0025; figs. 1-4). He discloses identifying in the Internet subscription service by a unique identification in relation to a lottery. This will increase the number of participants in the lottery. Thus, it would have been obvious to one of ordinary skill in the art to implement a subscription

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service in managing and increase participations in a public lottery system and method as discloses in Stoltz.

Re claims 2 and 8, Archer teaches member choice of functions and content include depositing funds into the members pre-established accounts and permitting the members to select an offered lottery game to play after a choice is made as to payment thereof (figs. 4b-4d).

Re claims 3 and 9, Archer teaches member choices of functions and content includes accessing a member's account for selectively determining its current balance, history of wins and loses, and subscriptions for play that are currently active (col. 9, line 34 to col. 10, line 30).

Re claims 4 and 10, Archer teaches non-members choice of functions and content includes the establishment of an account for future play (col. 7, lines 54-67). Archer discloses non-members with a choice of entering their personal information to entering into the lottery system or for future play by entering the information in the database. Thus, whenever the user wants to play then he/she can retrieve the personal identification information at a later time.

Re claims 5, 11, and 17-18, Archer teaches common functions and content for members and non-members selectively includes accessing information concerning: the web site, gambling addiction, and descriptions of the games that may be played (col. 2, line 48 to col. 3, line 18; col. 1, lines 36-67).

Re claims 6 and 12, Archer and Stoltz teach a method as claimed in claims 1 and 7 above. Therefore the rationale applied in the rejection of claims 6 and 12 applies herein. In

addition, Archer discloses connecting the web server to a transaction server via a security firewall (col. 4, lines 23-47; col. 4, line 54 to col. 5, line 8; figs. 1-4a). He discloses the systems and methods enable lottery ticket sales through generation and recordation of *secure lottery ticket purchase codes* which may be used to verify the sale of a winning lottery ticket entry. As such, lottery service providers (ISPs authorized to sell lottery ticket entries) may establish and operate Internet (e.g., web) sites that encourage widespread use and repeat sales. As is known in the Internet world in relation to website, a firewall is a security system intended to protect an organization's network against external threats. Thus, Archer's system is in an Internet with websites therefore his system has to have firewall to protect from hackers. In that his system protects customer's private information when he discloses secure identification codes (PIN).

Re claims 13-16, Stoltz teaches subscription service provides for lottery entries of an amount and frequency selected by the user (para. 0007, 0013, 0017, and 0023; figs. 1-4). Stoltz discloses an identified subscriber code to identify the user's actions.

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker et al, US 6,527,638

Yacenda, US 6,869,358

Packes, Jr. et al., US 6,969,318

Kelly et al., US 6,645,068

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
4/13/2006

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